

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DONALD V. SNOWDEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 3:24-cv-01061-JPG

Criminal No. 4:19-cr-40081-JPG

**MEMORANDUM AND  
ORDER TO SHOW CAUSE**

This matter comes before the Court on petitioner Donald V. Snowden's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Court construes this motion to be a challenge to Snowden's criminal case, (Case No. 4:19-cr-40081), which is currently on direct appeal before the Seventh Circuit. (Case No. 22-2426).

On September 1, 2019, Snowden was indicted on one count of distribution of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A). (Doc. 1). On June 9, 2020, a second superseding indictment charged him and his accomplice, Kevin McBride, with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 846, 841(b)(1)(A)—in addition to the distribution of methamphetamine he was initially indicted for. (Doc. 83). On August 11, 2022, the Court sentenced him to serve 360 months concurrently on both counts of the superseding indictment. (Doc. 311). Snowden appealed, (Doc. 315), and the case is currently before the Court of Appeals. (Case No. 22-2426). The Court of Appeals has not yet ruled on Snowden's appeal.

In his § 2255 motion, Snowden argues that he was unlawfully convicted due to evidentiary issues that violated his constitutional rights. Snowden signed his petition and placed

it into the prison mail system on March 20, 2024. The Court received and docketed it on April 8, 2024.

The Court believes that Snowden raises his claims before they are ripe. Many of the evidentiary issues he raises are already before the Seventh Circuit on direct appeal. The judgment of his conviction is not final until his appeal is decided and it would be improper for this Court to rule until judgment is final.

Accordingly, the Court **ORDERS** Snowden to **SHOW CAUSE** on or before May 10, 2024, why the Court should not dismiss his § 2255 motion as unripe. The Government shall have 14 days to reply to Snowden's response. These briefs should only address the issue of ripeness. Given prisoners are limited to one and *only* one § 2255 petition as a matter of right, Snowden may respond to this order by requesting leave to withdraw the current petition.

**IT IS SO ORDERED.**

**DATED: April 12, 2024**

*s/ J. Phil Gilbert*

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**J. PHIL GILBERT  
DISTRICT JUDGE**